

APPEAL NO. 020182  
FILED MARCH 7, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 7, 2002. The hearing officer determined that the appellant (claimant) was not entitled to supplemental income benefits for the fifth quarter.

The claimant appealed, contending that her treating doctors had said that she was unable to work, that she had given maximum effort at a functional capacity evaluation (FCE), that the FCE was "too remote in time," and that if she had been informed of the results of the FCE prior to the end of the qualifying period, she "would have looked for work." The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. Although the hearing officer found that one of the claimant's doctors had given a narrative that specifically explained how the claimant's injury caused a total inability to work, the hearing officer also found that there was another record (a report by a doctor) that shows the claimant was able to return to work. The hearing officer comments that he did not find the claimant's arguments persuasive, "particularly in light of her assertions that she would have looked for work had she been notified that she had an ability to work." We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DOROTHY C. LEADERER  
1999 BRYAN STREET  
DALLAS, TEXAS 75201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge